

REMARKS

Yeast strains lacking function at all seventeen hexose transporters are taught in the paragraph beginning at the bottom of page 3 of the instant specification. Accordingly, as no issue of new matter arises, entry of the Amendment is requested respectfully.

In the Office Action Summary mailed 25 January 2005, the Examiner indicated that claims 3 and 27 are allowed. Applicants thank the Examiner for such acknowledgment.

The Examiner also indicated that claims 2 and 7 are objected to.

Again, Applicants are appreciative of the indication of allowance; however, as provided hereinbelow, it will not be necessary to make any further amendments to claims 2 and 7 as it is believed that claim 1, from which claims 2 and 7 ultimately depend, as amended, is patentable.

On page 2 of the Office Action, claims 1, 4-6, 8-10, 26 and 28 were rejected under 35 U.S.C. §112, first paragraph, for an alleged want of written description.

The rejection is traversed for the following reasons:

Claim 1 now parallels claim 3 which the Examiner found allowable. As noted in the specification, the GLUT4 sequence is known in the art, see page 1, lines 29-31, and a method for making a yeast strain wherein all seventeen hexose transporters are disabled is available in the art, see page 3, lines 28-30. Moreover, the instant specification teaches a number of mutants where function of all seventeen hexose transporters is disabled.

Accordingly, clearly an artisan on reading the specification would have realized that the instant inventors were in possession of the claimed invention. The claimed invention is fully supported by the instant specification in light of what was known in the art.

The instant specification and claims are in full compliance with 35 U.S.C. §112, first paragraph. Written description exists and thus the rejection can be removed.

CONCLUSION

Applicants have taken steps to advance prosecution, and at the least, to simplify issues. Applicants respectfully request reexamination, reconsideration, withdrawal of the rejection and early indication of allowance. Should any questions remain unresolved, the Examiner is urged to contact the undersigned at the local exchange noted hereinbelow. The Commissioner hereby is authorized to charge or credit Deposit Account No. 02-1818 for any fees associated with the instant Amendment.

Respectfully submitted,

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